



General Assembly

Substitute Bill No. 5208

February Session, 2010

* ____HB05208PD____032310____*

AN ACT CONCERNING EXPEDITED PERMITTING FOR ECONOMIC DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) As used in this
2 section:

3 (1) "Jobs" means permanent, full-time equivalent positions, not
4 including construction jobs;

5 (2) "Commissioner" means the Commissioner of Economic and
6 Community Development;

7 (3) "Permit applications" means applications for state permits and
8 licenses, and, at the option of a participating municipality, local
9 development permits;

10 (4) "Regional planning organization" means a regional council of
11 governments organized under the provisions of sections 4-124i to 4-
12 124p, inclusive, of the general statutes, a regional council of elected
13 officials organized under the provisions of sections 4-124c to 4-124h,
14 inclusive, of the general statutes or a regional planning agency
15 organized under the provisions of chapter 127 of the general statutes;
16 and

17 (5) "Team" means an expedited action review team established

18 under this section.

19 (b) (1) The Commissioner of Economic and Community
20 Development shall establish teams for the purpose of expediting
21 review of permit applications for projects that would (A) create at least
22 one hundred jobs, (B) create fifty jobs, if such project is to be located in
23 an enterprise zone designated pursuant to section 32-70 of the general
24 statutes, (C) include not less than one hundred residential units, (D) be
25 located in brownfields, as defined in section 32-9cc of the general
26 statutes, or (E) meet the criteria set forth in subdivision (2) of this
27 subsection. Projects ineligible for review under this section are projects
28 the primary purpose of which is to (i) effect the final disposal of solid
29 waste, biomedical waste or hazardous waste in this state, (ii) produce
30 electrical power, unless the production of electricity is incidental and
31 not the primary function of the project, (iii) extract natural resources,
32 (iv) produce oil, or (v) construct, maintain or operate an oil, petroleum,
33 natural gas or sewage pipeline.

34 (2) Notwithstanding the provisions of subdivision (1) of this
35 subsection, a municipality, by resolution adopted by the legislative
36 body, may request the commissioner to establish a team for a project
37 that would create a minimum of ten jobs. The commissioner may
38 establish a team upon consideration of the economic impact factors of
39 the project that include, but are not limited to, the following: (A) The
40 proposed wage and skill levels relative to those existing in the area in
41 which the project may be located, (B) the project's potential to diversify
42 and strengthen the area's economy, (C) the amount of capital
43 investment, and (D) the number of jobs that will be made available for
44 persons served by the employment services program established
45 pursuant to section 17b-688c of the general statutes.

46 (c) Each team shall be established by a memorandum of
47 understanding among (1) the Departments of Economic and
48 Community Development, Environmental Protection and
49 Transportation, (2) appropriate regional planning organizations, and
50 (3) voluntarily participating municipalities and other political

51 subdivisions. The memorandum of understanding may include
52 provisions for participation by federal agencies. The Commissioner of
53 Economic and Community Development, in cooperation with
54 municipalities and the Departments of Environmental Protection and
55 Transportation, shall develop a standard form for each memorandum
56 of understanding.

57 (d) (1) A participating municipality shall conduct a public workshop
58 to review and explain to the public the expedited permitting process
59 and the terms and conditions of the standard form memorandum of
60 understanding.

61 (2) The memorandum of understanding shall identify necessary
62 modifications to the participating municipality's procedures and time
63 limits to allow the municipality to approve the project in not more than
64 ninety days after receipt of a completed permit application, provided
65 no memorandum of understanding shall extend any time limits
66 beyond those set forth in section 8-7d of the general statutes. The
67 memorandum of understanding shall state that the expedited
68 permitting and review process does not modify, qualify or otherwise
69 alter existing municipal nonprocedural standards for applications,
70 unless expressly provided.

71 (e) Each memorandum of understanding shall include a process for
72 final agency action on permit applications not more than ninety days
73 after receipt of a completed permit application, unless the applicant
74 agrees to a longer time period or the commissioner determines that
75 unforeseen or uncontrollable circumstances preclude final agency
76 action within such time frame. Permit applications subject to federally
77 delegated or approved permitting programs that would prohibit or be
78 inconsistent with the time frame established in this subsection are
79 exempt from the provisions of this subsection, but shall be processed
80 by the agency operating the federally delegated or approved
81 permitting program as expeditiously as possible.

82 (f) The memorandum of understanding may provide for the waiver

83 or modification of procedural rules prescribing forms, fees, procedures
84 or time limits for the review or processing of permit applications under
85 the jurisdiction of those agencies that are party to the memorandum of
86 understanding. Notwithstanding any other provision of law, a
87 memorandum of understanding, to the extent feasible, shall provide
88 for proceedings and hearings otherwise held separately by the parties
89 to the memorandum of understanding to be combined into one
90 proceeding or held jointly and at one location. Such waivers or
91 modifications shall not be available for permit applications governed
92 by federally delegated or approved permitting programs, the
93 requirements of which would prohibit, or be inconsistent with, such
94 waivers or modifications.

95 (g) The standard form memorandum of understanding, established
96 pursuant to subsection (c) of this section, shall include guidelines to be
97 used in working with state and municipal permitting authorities.
98 Guidelines may include, but are not limited to, the following: (1) A
99 central contact point for filing permit applications and for obtaining
100 information on permit requirements; (2) identification of the individual
101 or individuals within each respective agency who shall be responsible
102 for processing the expedited permit application or local
103 comprehensive plan amendment for that agency; (3) a mandatory
104 preapplication review process to reduce permitting conflicts by
105 providing guidance to applicants on (A) the permits needed from each
106 agency, (B) specifications for site planning and development, site
107 suitability and limitations and facility design, and (C) steps the
108 applicant can take to ensure expeditious permit application and local
109 comprehensive plan amendment review; (4) a single, coordinated
110 project description form and checklist and an agreement by state and
111 regional agencies to reduce the necessity that an applicant provide
112 duplicate information to multiple agencies; and (5) additional
113 incentives for an applicant who proposes a project that provides a net
114 ecosystem benefit.

115 (h) The first team meeting to discuss a project shall be held not more
116 than fourteen calendar days after the commissioner's determination

(i) The applicant, the team and participating municipalities may agree to incorporate into a single document the permits, licenses and approvals that are obtained through the expedited permit process.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section

PD *Joint Favorable*